

SCOTTSDALE

# CITY COUNCIL MEETING

## AGENDA



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### COUNCIL

Mary Manross, Mayor

Wayne Ecton

Robert W. Littlefield

Roberta Pilcher

Ned O'Hearn

David Ortega

Tom Silverman

Tuesday, January 6, 2004

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### 4:00 P.M.

#### CITY COUNCIL SPECIAL MEETING

**Call to Order** – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

#### Roll Call

1. Brief update on status of negotiations for acquisition of a portion of the following parcel for inclusion in the McDowell Sonoran Preserve: a portion of 780 acres of land located between Bell Road and Union Hills Road, at approximately 104<sup>th</sup> Street. Contact: Robert Cafarella 480-312-2577, ([rcafarella@scottsdaleaz.gov](mailto:rcafarella@scottsdaleaz.gov)); Joseph Bertoldo, City Attorney, 480-312-2478, [jbortoldo@scottsdaleaz.gov](mailto:jbortoldo@scottsdaleaz.gov); Ed Gawf, Deputy City Manager, 480-312-4510, [egawf@scottsdaleaz.gov](mailto:egawf@scottsdaleaz.gov)
2. MOTION TO RECESS INTO EXECUTIVE SESSION for:  
Discussion with representatives of the Public Body and discussion and consultation with City's attorney(s) for legal advice and to consider the City's position and instruct its representatives and attorneys regarding possible litigation and negotiations for acquisition of a portion of the following parcel for inclusion in the McDowell Sonoran Preserve: a portion of 780 acres of land located between Bell Road and Union Hills Road, at approximately 104<sup>th</sup> Street controlled by the Toll Brothers Company. A.R.S. 38-431.03 (A)(3), -(A)(4) and -(A)(7). Contact: Robert Cafarella 480-312-2577, ([rcafarella@scottsdaleaz.gov](mailto:rcafarella@scottsdaleaz.gov)); Joseph Bertoldo, City Attorney, 480-312-2478, [jbortoldo@scottsdaleaz.gov](mailto:jbortoldo@scottsdaleaz.gov); Ed Gawf, Deputy City Manager, 480-312-4510, [egawf@scottsdaleaz.gov](mailto:egawf@scottsdaleaz.gov)

#### Adjourn Special Meeting

#### CITY COUNCIL EXECUTIVE SESSION

Following 4:00 P.M. City Council Special Meeting

#### Call to Order - City Hall Kiva Conference Room

Executive session for any of the purposes listed on the agenda for the City Council Special Meeting called for 4:00 P.M.

#### Adjourn

**5:00 P.M.**  
**CITY COUNCIL MEETING**

**Call to Order** – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

**Roll Call**

**Pledge of Allegiance**

**Invocation**

**Presentations**

Scottsdale Pop Warner State Champions

**Public Comment**

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening’s meeting. Please check the box that refers to “public comment.” This “Public Comment” time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

**Minutes**

SPECIAL MEETINGS

[December 9, 2003](#)

REGULAR MEETINGS

[November 17, 2003](#)

[November 18, 2003](#)

[December 8, 2003](#)

[December 9, 2003](#)

EXECUTIVE SESSIONS

CONSENT AGENDA ITEMS 1-18

1. **[O Restaurant & Lounge Liquor License](#)**

To consider forwarding a **denial** recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing location which previously operated with a series 12 license under the business name Opium.

**Location:** 4720 N Scottsdale Road

**Reference:** 78-LL-2003

**Staff Contact(s):** Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, [rbushfield@ScottsdaleAZ.Gov](mailto:rbushfield@ScottsdaleAZ.Gov); Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@ScottsdaleAZ.gov](mailto:kekblaw@ScottsdaleAZ.gov)

2. **[Armitage Wine Lounge & Café Liquor License](#)**

**Request:** To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) and a series 10 (beer/wine store) State liquor license for a new restaurant.

**Location:** 20751 N Pima Road Ste 120

**Reference:** 88-LL-2003

**Staff Contact(s):** Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, [rbushfield@ScottsdaleAZ.Gov](mailto:rbushfield@ScottsdaleAZ.Gov); Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@ScottsdaleAZ.gov](mailto:kekblaw@ScottsdaleAZ.gov)

3. **[Armitage Wine Store Liquor License](#)**

**Request:** To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer/wine store) State liquor license for a new location.

**Location:** 20751 N Pima Road Ste 120

**Reference:** 92-LL-2003

**Staff Contact(s):** Robert Bushfield, Development Review and Permit Services Director, 480-312-7096

[rbushfield@ScottsdaleAZ.Gov](mailto:rbushfield@ScottsdaleAZ.Gov); Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@ScottsdaleAZ.gov](mailto:kekblaw@ScottsdaleAZ.gov)

4. **[The Downside Risk Liquor License](#)**

**Request:** To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing location currently operating with a series 12 license.

**Location:** 14950 N Northsight Blvd Ste 100

**Reference:** 89-LL-2003

**Staff Contact(s):** Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, [rbushfield@ScottsdaleAZ.Gov](mailto:rbushfield@ScottsdaleAZ.Gov); Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@ScottsdaleAZ.gov](mailto:kekblaw@ScottsdaleAZ.gov)

5. **[Cobblestone Auto Spa & Market Liquor License](#)**

**Request:** To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer/wine store) State liquor license for an existing establishment currently operating with a series 10 license.

**Location:** 15111 N Hayden Rd

**Reference:** 90-LL-2003

**Staff Contact(s):** Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, [rbushfield@ScottsdaleAZ.Gov](mailto:rbushfield@ScottsdaleAZ.Gov); Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@ScottsdaleAZ.gov](mailto:kekblaw@ScottsdaleAZ.gov)

**6. Sacred Ground Cafe & Wine Bar Liquor License**

**Request:** To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing restaurant location that previously operated under the business name La Villa Cafe.

**Location:** 10115 E Bell Rd Ste 111

**Reference:** 91-LL-2003

**Staff Contact(s):** Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, [rbushfield@ScottsdaleAZ.Gov](mailto:rbushfield@ScottsdaleAZ.Gov); Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@ScottsdaleAZ.gov](mailto:kekblaw@ScottsdaleAZ.gov)

**7. The Crown Room Liquor License**

**Request:** To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 6 (bar) State liquor license for an existing bar location that previously operated with a series 6 license under the business name Downside Risk.

**Location:** 7419 E Indian Pz

**Reference:** 93-LL-2003

**Staff Contact(s):** Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, [rbushfield@ScottsdaleAZ.Gov](mailto:rbushfield@ScottsdaleAZ.Gov); Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@ScottsdaleAZ.gov](mailto:kekblaw@ScottsdaleAZ.gov)

**8. The Canal at Cattle Track**

**Request:**

1. To approve a site development plan and stipulations for Phase 2 and future phases of the historic and cultural arts campus on a 13 +/- acre parcel located at the 6105 Cattle Track (Miller) Road with Special Campus (SC) and Historic Property (HP) District zoning.

2. To adopt Ordinance No. 3544 affirming the approved site development plan and stipulations.

**Location:** 6105 N Cattle Track (Miller) Road

**Reference:** 35-ZN-1995#4

**Staff Contact(s):** Kira Wauwie, Project Coordination Manager, 480-312-7061, [kwauwie@ScottsdaleAZ.gov](mailto:kwauwie@ScottsdaleAZ.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@ScottsdaleAZ.gov](mailto:rgrant@ScottsdaleAZ.gov)

**9. McDowell Mountain Storage**

**Request:**

1. A conditional use permit for internalized community storage on a 5.2 +/- acre parcel located near the southwest corner of Bell Road and 94th Street with Highway Commercial District (C-3) zoning.

2. A conditional use permit for exterior unoccupied recreational/vehicle storage on a 5.2 +/- acre parcel located near the southwest corner of Bell Road and 94th Street with Highway Commercial District (C-3) zoning.

**Location:** 94th and Bell

**Reference:** 20-UP-2003 and 21-UP-2003

**Staff Contact(s):** Al Ward, Senior Planner, 480-312-7067, [award@ScottsdaleAZ.gov](mailto:award@ScottsdaleAZ.gov); Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@ScottsdaleAZ.gov](mailto:kekblaw@ScottsdaleAZ.gov)

**10. [IGA to Provide Forensic Services to the Salt River Pima-Maricopa Indian Community Police Department](#)**

**Request:** Consideration of an Intergovernmental Agreement (IGA) that will allow the Scottsdale Police Department Crime Laboratory to provide forensic services to the Salt River Pima-Maricopa Indian Community Police Department.

1. To adopt Resolution No. 6417 authorizing the city to enter into an Intergovernmental Agreement.
2. Authorize Intergovernmental Agreement No. 2004-001-COS, which allows the Scottsdale Police Department to provide forensic services to the Salt River Pima-Maricopa Indian Community Police Department for \$123,427.

**Related Policies, References:** IGA 970074

**Staff Contact(s):** Steve Garrett, Crime Lab Manager, 480-312-5280, [sgarrett@ScottsdaleAZ.gov](mailto:sgarrett@ScottsdaleAZ.gov); Chief Alan Rodbell, 480-312-5320, [arodbell@ScottsdaleAZ.gov](mailto:arodbell@ScottsdaleAZ.gov)

**11. [Juvenile Accountability Incentive Block Grant](#)**

**Request:**

1. Adopt Resolution No. 6411, authorizing the Police Department to accept the Juvenile Accountability Incentive Block Grant (JAIBG), Year 6, from the Governor's Division for Children, and pass-through the funds to Scottsdale Prevention Institute (SPI).
2. Authorize Professional Services Contract 2003-187-COS between the City of Scottsdale and Scottsdale Prevention Institute that formalizes the disbursement of all grant funds in the Juvenile Accountability Incentive Block Grant, year 6.

**Related Policies, References:** Juvenile Accountability Incentive Block Grant Application

**Staff Contact(s):** Carla A. Murillo, Police Budget Analyst, 480-312-5202, [cmurillo@ScottsdaleAZ.gov](mailto:cmurillo@ScottsdaleAZ.gov); Chief Alan Rodbell, 480-312-5310, [arodbell@ScottsdaleAZ.gov](mailto:arodbell@ScottsdaleAZ.gov)

**12. [Archeological Services Contracts](#)**

**Request:** Consider archeological services contract for four firms to provide on-call archeologists to review surveys, reports and mitigation plans to implement the City's archeological ordinance.

**Related Policies, References:** Ordinance No. 3243

**Staff Contact(s):** Don Merserve, Preservation Planner, 480-312-2523, [dmeserve@ScottsdaleAZ.gov](mailto:dmeserve@ScottsdaleAZ.gov); Robert Cafarella, Director of Preservation, 480-312-2577, [Rcafarella@ScottsdaleAZ.gov](mailto:Rcafarella@ScottsdaleAZ.gov); Ed Gawf, Deputy City Manager, 480-312-4510, [egawf@ScottsdaleAZ.gov](mailto:egawf@ScottsdaleAZ.gov)

**13. CAP Basin Park Mass Grading**

**Request:** Authorize Construction Bid Award No. 03PB105 for Excavation and Grading of the CAP Basin Park to Archon, Inc., the lowest responsive bidder, at their lump sum bid of \$1,039,889.

**Related Policies, References:**

- The Open Space and Recreation Element of the General Plan supports the use of this site as a “specialty park”. A specialty park provides specialized facilities, in this case soccer fields, that preserve significant and unique features, such as the drainage basin and parking use.
- Amendment No. 6 to Contract 860299A establishing uses for Basin Management Fund and committing use of this site for parking to TPC of Scottsdale as long as annual Open tournament is held there approved by Council on 11/3/98.
- Parks & Recreation and Transportation Commissions recommended approval of a Municipal Use Master Site Plan and associated traffic circulation plan for this location on 9/04/02.

**Staff Contact(s):** Annette Grove, Sr. Project Manager, 480-312-2399, [agrove@ScottsdaleAZ.gov](mailto:agrove@ScottsdaleAZ.gov); Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@ScottsdaleAZ.gov](mailto:adreska@ScottsdaleAZ.gov)

**14. Construction Bid Award for Sewer Rehabilitation**

**Request:** Authorize Construction Bid Award No. 04PB007 for the Rehabilitation of Sanitary Sewer Lines within the Gateview Park Retail Center to Blucor Contracting, the lowest responsive bidder, at their lump sum bid of \$43,184.

**Staff Contact(s):** Annette Grove, Sr. Project Manager, 480-312-2399, [agrove@ScottsdaleAZ.gov](mailto:agrove@ScottsdaleAZ.gov); Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@ScottsdaleAZ.gov](mailto:adreska@ScottsdaleAZ.gov)

**15. Construction Bid Award for Zone 12 and Zone 13 Water Transmission Mains**

**Request:** Authorize Construction Bid Award No. 03PB135 to Kell and Co., the lowest responsive bidder, at their lump sum bid of \$3,941,662.

**Related Policies, References:** 2001 Water Resources Master Plan; Engineering services contract 2000-030-COS for design of the Zone 12/13 Reservoir and Booster Pump Station; Construction bid award 03PB134 for the Zone 12/13 Reservoir and Booster Pump Station

**Staff Contact(s):** Doreen Song, P.E. Project Manager, 480-312-2367, [dsong@scottsdaleaz.gov](mailto:dsong@scottsdaleaz.gov); Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@ScottsdaleAZ.gov](mailto:adreska@ScottsdaleAZ.gov)

**16. Community Services of Arizona's Application to the Maricopa HOME Consortium**

**Request:** Adopt Resolution No. 6420 which supports an application for federal HOME funds by Community Services of Arizona, an Arizona non-profit corporation, to the Maricopa HOME Consortium for the acquisition and rehabilitation of existing rental housing in Scottsdale.

**Related Policies, References:** City Council adopted Resolution No. 6006 on March 4, 2002, which authorized an Intergovernmental Agreement #2002-016-COS to continue participation in the Maricopa HOME Consortium.

**Staff Contact(s):** Mark Bethel, Community Assistance Manager 480-312-2309, [mbethel@ScottsdaleAZ.gov](mailto:mbethel@ScottsdaleAZ.gov); Debra Baird, Interim Community Services General Manager, 480-312-2377, [dbaird@ScottsdaleAZ.gov](mailto:dbaird@ScottsdaleAZ.gov)

17. **Waterfront Final Plat**

**Request:** Approve Final Plat for the Scottsdale Waterfront project on an 11.3 +/- acre parcel.

**Location:** Southwest Corner of Camelback and Scottsdale Roads

**Related Case:** 1-II-2003

**Staff Contact(s):** Kurt Jones, Interim Current Planning Director, 480-312-2524, [kjones@ScottsdaleAZ.gov](mailto:kjones@ScottsdaleAZ.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@ScottsdaleAZ.gov](mailto:rgrant@ScottsdaleAZ.gov)

18. **Settlement Agreement - Wagner v. City of Scottsdale, Heflin Steel, et al.**

**Request:** Consider approval of settlement of \$250,000 in lawsuit filed against the City, Wagner v. City of Scottsdale, Maricopa County, Heflin Steel, et al., Cause No. CV2003-003321, Maricopa County Superior Court.

**Related Policies, References:** Settlement Agreement No. 2004-009-COS

**Staff Contact(s):** Deborah W. Robberson, Deputy City Attorney, 480-312-2405, [dobberson@ScottsdaleAZ.gov](mailto:dobberson@ScottsdaleAZ.gov); Joseph R. Bertoldo, City Attorney, 480-312-2478, [jbortoldo@ScottsdaleAZ.gov](mailto:jbortoldo@ScottsdaleAZ.gov)

Regular Agenda begins on the following page

**19. Land acquisition for the McDowell Sonoran Preserve**

**Request:** Adopt resolution No. 6434 authorizing the acquisition from Edmunds-Toll Construction Company of a +/- 384 acre parcel of vacant land at the northeast corner of Bell Road and the Thompson Peak Parkway alignment. This property is intended as a gateway to the McDowell Sonoran Preserve, and will be the largest and most strategically located Preserve access area.

**Related Policies, References:** This property is within the original Recommended Study Boundary approved for acquisition by the voters in May 1995. The acquisition of this land supports City Council Goal B: Preserve the Character and Environment of Scottsdale.

**Staff contact(s):** Ed Gawf, Deputy City Manager, [EGawf@ScottsdaleAZ.gov](mailto:EGawf@ScottsdaleAZ.gov), 480-312-4510; and Bob Cafarella, Preservation Director, [RCafarella@ScottsdaleAZ.gov](mailto:RCafarella@ScottsdaleAZ.gov), 480-312-2577

**Public Comment**

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**City Manager's Report****Mayor and Council Items****Adjournment**

Executive Sessions authorized by Arizona Revised Statutes 38-431.03 in the Kiva Conference Room, City Hall, at 4:00 P.M. Executive Sessions are posted at least twenty-four hours prior to such meetings.

Section 2.17 of the Scottsdale City Code states, "Regular Meetings that are scheduled to be conducted on consecutive days may be combined and held on either of the two (2) days, at the election of the council, and shall be considered a single meeting." The Council may hold over any items noticed on the Monday agenda to the agenda for the Tuesday meeting.